

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TESSA O'NEAL,

Plaintiff(s),

vs.

NATIONSTAR MORTGAGE, et. al.,

Defendant(s).

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Case Number: 1:07cv505

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on February 26, 2008 (Doc. 20), to whom this case was referred pursuant to 28 U.S.C. §636(b), and notes that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on March 17, 2008. However, on March 24, 2008, Plaintiff filed a Motion for Extension of Time to file objections to the Report and Recommendation (Doc. 22) which the Court GRANTED on March 30 (Doc. 23). Plaintiff did not file any objections, but filed a Motion for Default Judgment as to Members Title Agency. Therefore, the Court ADOPTS said Report and Recommendations.

Accordingly, the motions to dismiss by Defendants Nationstar Mortgage and Centex Home Equity Company (Docs. 11 and 15) are **GRANTED**.

Plaintiff's motion for default judgment pursuant to Fed. R. Civ. P. 55(b)(2) (Doc. 16) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

(a) The motion for default judgment against Defendant Centex Home Equity Company is **DENIED**;

(b) The motion for default judgment against Defendant Gateway Mortgage, is

DENIED; and

- (c) The motion for default judgment against Defendant Members Title Agency, LLC, is **CONSTRUED** as a motion for entry of default pursuant to Fed. R. Civ. P. 55(a) and **GRANTED**.

IT IS SO ORDERED.

s/Susan J. Dlott

Susan J. Dlott
United States District Judge